

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

Twin Falls District
Burley Field Office
15 East 200 South
Burley, Idaho 83318

CATEGORICAL EXCLUSION REVIEW SHEET
NEPA No. ID-220-2009-CE-3596

Project Description

The proposed action is the renewal of a 10-year Free Use Permit (FUP) jointly issued to the Murtaugh/Oakley Highway Districts for the purpose of maintaining and constructing roads in the area. The 11.5 acre site is located approximately 10 miles southeast of Murtaugh, Idaho. The site is located in the Buckhorn Grazing Allotment and Buckhorn Ranch is just southwest of the material site. Two and a half acres of this site (NWNESENW) and later 5 acres (N2NESENW) have been permitted to the Murtaugh/Oakley Highway Districts since 1992. Approximately 11 acres, including the 2.5 acres and 5 acres listed above, was previously permitted to Twin Falls Canal Company (IDI-027190) in 1989 as a Free Use Permit.

Approximately 10,000 cubic yards of sand and gravel will be removed in the 10-year term of the permit. According to the mining and reclamation plan (attached), operations will occur year round, weather permitting. Equipment used for the sand and gravel removal operation includes front end loaders, ten wheelers, belly dump trucks, and a rock grizzly (gravel screen).

The Murtaugh and Oakley Highway Districts will work together, using the same loader and any other earthmoving equipment, to remove this material. Haul trucks from the separate districts will then carry material, as needed, to the individual job-sites within the districts. While the permit will be issued jointly, Murtaugh Highway District will take the lead responsibility for reclamation and compliance.

Reclamation will involve shaping the pit walls to blend in with the surrounding landscape, which includes the areas within the site that were previously reclaimed by the Twin Falls Canal Company. The seed mixture for re-planting will be recommended and approved by the authorized officer. Seeding will be repeated until a satisfactory stand is established as determined by the authorized officer.

Cultural and Threatened or Endangered Species Clearances have previously been done on this site for the Twin Falls Canal Company and Hillsdale Highway District. These clearances are still applicable as no additional land will be disturbed.

Consideration of Extraordinary Circumstances:

This categorical exclusion review sheet documents the review of the proposed action to determine if any of the extraordinary circumstances described in 516 DM 2, Appendix 2 apply.

If any of the extraordinary circumstances apply to the proposed action, then an EA or EIS must be prepared. Any evidence or concerns that one or more of the exceptions may apply must be brought to the attention of the manager who is authorized to approve the proposed action.

May Apply	Does Not Apply	<u>Description of Extraordinary Circumstances</u>
	X	1. Have significant impacts on public health or safety. <i>Rationale:</i> The proposed project would not have significant impacts on public health or safety. The proposed project is located in a site that has been used for gravel removal since 1947 and, during that time, has not had significant impacts on public health or safety.
	X	2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. <i>Rationale:</i> There have been no historic or cultural resources (see #7 below); park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; or other ecologically significant or critical areas identified at the site. Migratory bird species would not be affected because of avoidance stipulations and because no significant amount of habitat would be altered.
	X	3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2) (E)]. <i>Rationale:</i> Operating gravel pits are common in the area on both private lands and public lands. Many mineral material sites that include sand and gravel pits have been authorized in the past on public lands, including at this site and at two sites directly to the north of this site. The Cassia Resource Management Plan designates this area as open to mineral leasing/sale and there are no controversial environmental effects or unresolved conflicts.
	X	4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <i>Rationale:</i> The impacts for operating a sand and gravel pit are not significant and are not uncertain. Many mineral materials sites that include sand and gravel pits have been authorized in the past on public lands with little environmental effect. The environmental impacts are well understood and do not involve any unique or unknown risks.

	X	<p>5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.</p> <p><i>Rationale:</i> This proposed action does not establish a precedent for any future actions. All future actions will be analyzed for significant environmental effects individually and without regard to this action.</p>
	X	<p>6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.</p> <p><i>Rationale:</i> This action will not authorize any new disturbance. The Buckhorn gravel pits, which this project site is a portion of, has been in operation since 1947. This action does not have a direct relationship to actions other than road maintenance in the Murtaugh and Oakley Highway Districts. Removing sand and gravel combined with maintaining roads would not result in any significant environmental effects.</p>
	X	<p>7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.</p> <p><i>Rationale:</i> A cultural survey was done in 1977 for all of section 24 and no cultural resources were found in the area.</p> <p>If any future or inadvertent historic, cultural or paleontological property discoveries are made during project operation, there will be an immediate cessation of project activities and the Burley Field Manager will be contacted for further investigation (see also 36 CFR 800.11 and SPA). In the event that American Indian human remains, unassociated funerary objects, or grave goods are encountered, work in the immediate vicinity of the discovery will cease, and BLM shall comply with NAGPRA as outlined in 43 CFR 10 by consulting with the SHPO and implementing appropriate mitigation.</p>
	X	<p>8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated critical habitat for these species.</p> <p><i>Rationale:</i> There are no listed or proposed to be listed species (on the List of Endangered or Threatened Species), nor their habitat, occurring in the project area or potentially affected by this project.</p>
	X	<p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p> <p><i>Rationale:</i> The proposed action would not violate any laws or requirements imposed for the protection of the environment. Migratory birds could occur and nest in the area, however, a stipulation which requires operations to avoid active bird nests encountered during construction/operations at all times would prevent any harm to migratory birds or their nests.</p>

	X	10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). <i>Rationale:</i> This proposed action will have no adverse impact on low income or minority populations. Residences in the immediate area are sparse and include the Buckhorn Ranch located to the southwest. A large dairy is located to the Northeast of the project area.
	X	11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007). <i>Rationale:</i> The project will not limit any access either to the project area, or any outlying areas. There are county roads that run east-west, north-south, and northwest-southeast around the project area.
	X	12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). <i>Rationale:</i> The proposed action, when authorized, will be required to follow contract stipulations that include prevention of the spread of Idaho's official list of 57 species of noxious weeds and other non-native invasive species and require the extermination of the same if encountered on site.

Participating Staff

Name of Participant	Position Title or Resource Expertise	Comments Provided (Initial One)		Date
		None	Attached	
Valerie Lenhartzen	Geologist	/s/ VJL		2/04/2009
Jeremy Bisson	Wildlife Biologist		/s/ JRB	4/21/2009
Jim Tharp	Botanist		/s/ JT	3/20/2009
Suzann Henrikson	Cultural Resources		/s/ SH	3/25/2009
Nancy Ady	Range	/s/ NA		3/03/2009
Ryan Berlin	Weeds	/s/ RB		3/23/2009
Katherine Farrell	Planning & Environmental Coordinator	/s/ KF		4/16/09